

Fish & Richardson P.C.
1000 Maine Avenue, S.W.
Suite 1000
Washington, DC 20024
202 783 5070 main
202 783 2331 fax

Edwin N. Lavergne
Principal
lavergne@fr.com
202 626 6359 direct

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Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands – WT Docket No. 18-120 – NOTICE OF EX PARTE PRESENTATION*

Dear Ms. Dortch:

I am writing pursuant to Section 1.1206(b)(2) of the Commission's rules to report that on October 17, 2018, Lynn Rejniak, representing the National EBS Association ("NEBSA"), and Ed Lavergne and Donna Balaguer, representing the Catholic Technology Network ("CTN"), met with Rachael Bender, wireless advisor to Chairman Pai, regarding the above-referenced proceeding. We made the following points during the meeting:

EBS Works. The existing EBS regulatory model works for all stakeholders – educators, students, commercial operators, and consumers. The existing EBS regulatory model is not hampering investment in the band. It is not slowing commercial deployment. It is not holding-up spectrum needed for 5G. Nothing is broken; nothing needs fixing. Instead of undertaking a potentially disruptive transformation of the band, most EBS rules should be left unchanged. This will help close the digital divide while at the same time ensuring that EBS continues to be available for 4G and 5G commercial deployment.

EBS Serves Two Important Objectives. EBS serves two important Commission objectives – it facilitates digital education without government subsidies and ensures spectrum is available for 5G deployments. Educators educate; commercial operators serve customers for a profit. Although these are entirely different objectives, *both* are furthered by the existing EBS regulatory model.

EBS is Not Underutilized. There is a misperception that EBS is underutilized. But, in areas where EBS is licensed – which cover about 85% of the U.S. population – the spectrum is widely deployed. The record includes many examples of educational programs that rely on EBS, and Sprint has made clear that EBS spectrum is a fundamental component of its current 4G and planned 5G networks.

Local Priority Filing Windows will Enhance Rural Digital Education. Licensing EBS white space – which covers an estimated 15% of the U.S. population – to Tribal Nations and new educational entities (limited to local accredited institutions and governmental entities) through priority filing windows will drive rural deployments and help close the homework gap in rural areas. The notion that EBS licenses are “no longer necessary” because many EBS licensees “ride over-the-top” of commercial broadband networks and lease 95% of their capacity is a red herring. Shared networks have been encouraged by the Commission because shared networks are often the most efficient way to use EBS spectrum for both educational and commercial purposes.

- Notably, CTN and NEBSA members will be *excluded* from participating in new EBS licensing in the priority windows. This is consistent with the proposals included in the Notice of Proposed Rulemaking in this docket. CTN and NEBSA’s objective is to extend the benefits of EBS to other educators who have been waiting for decades for the opportunity to apply and who can use the spectrum to close the homework gap.

EBS Should Not be Commercialized. While the idea of giving EBS licensees the “choice” to sell or not sell their licenses to commercial entities sounds good, in reality, open eligibility will mark the end of EBS as an educational asset because the only “choice” likely to be available will be the choice to sell. The existing leasing model provides licensees with the opportunity to negotiate ongoing and reliable educational benefits, including devices, services, and support from commercial operators, for rural and underfunded schools.

EBS Geographic Service Areas Should be Rationalized. CTN and NEBSA support the rationalization of existing GSAs so that they more closely conform to service areas of other wireless services. The size of GSA expansions is not a priority for CTN and NEBSA. CTN and NEBSA will support any reasonable rationalization process, deferring to the operational needs of carriers and the administrative needs of the FCC, as long as coverage of existing GSAs is not reduced in the process. Whatever process is selected, it should be simple, automatic, and easily implemented to avoid disputes and need for Commission intervention.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne

cc Rachael Bender
Lynn Rejniak
Todd Gray
David Moore